

Introduced by Senators Torlakson and Speier
(Coauthor: Assembly Member Levine)

February 20, 2004

An act to amend Section 11837 of the Health and Safety Code, and to amend Sections 1803, 13352, 13352.5, 13353, 13353.3, 13353.5, 13353.7, 13954, 14601.2, 23109, 23109.5, 23521, 23536, 23538, 23540, 23542, 23548, 23552, 23556, 23562, 23568, 23660, and 23665 of, and to repeal and add Sections 13352.4 and 13354 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1697, as introduced, Torlakson. Vehicles: driving under the influence: driver's license sanctions.

(1) Existing law requires the Department of Motor Vehicles to suspend the driver's license of any person arrested for driving under the influence (DUI). The department, under certain circumstances, is also required to suspend, restrict, or revoke the driver's license of any person convicted of DUI. A court is authorized to order, as a condition of probation for a conviction of DUI, that the defendant's driver's license be restricted, as specified.

This bill would consolidate the driver's license suspension, restriction, and revocation functions for DUI arrests and convictions under the department, as revised.

The bill would authorize the court to disallow the issuance of a restricted license if the court determines that a person would present a traffic safety or public safety risk if allowed to operate a motor vehicle during a suspension period.

The bill would require the court to advise a person convicted of a DUI offense at the time of sentencing that the driving privilege may not be

restored until the person provides proof satisfactory to the department of successful completion of a driving-under-the-influence program of the appropriate length required by law, which is based on the blood-alcohol concentration and number of prior DUI convictions.

(2) Existing law requires a person ordered to attend a DUI program as a condition of probation under certain provisions to apply to the court or to a board of review, as designated by the court, at the conclusion of the program to obtain the court's order of satisfaction. The program is prohibited from issuing its certificate of successful completion and reporting the completion to the department until the court has granted the order of satisfaction. A failure to obtain an order of satisfaction at the conclusion of the DUI program is a violation of probation.

This bill would delete the requirement that the person obtain the court's order of satisfaction at the conclusion of the DUI program.

(3) This bill would make additional conforming and technical changes in existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11837 of the Health and Safety Code is
2 amended to read:

3 11837. (a) Pursuant to the provisions of law relating to
4 suspension of a person's privilege to operate a motor vehicle upon
5 conviction for driving while under the influence of any alcoholic
6 beverage or drug, or under the combined influence of any
7 alcoholic beverage and any drug, as set forth in paragraph (3) of
8 subdivision (a) of Section 13352 of the Vehicle Code, the
9 Department of Motor Vehicles shall restrict the driving privilege
10 pursuant to Section 13352.5 of the Vehicle Code, if the court has
11 ~~notified the department pursuant to Section 13352 of the Vehicle~~
12 ~~Code that the person convicted of that offense has consented to~~
13 ~~participate~~ *participates* for at least 18 months in a
14 *driving-under-the-influence* program ~~designed to offer alcohol~~
15 ~~and other drug education and counseling services~~ that is licensed
16 pursuant to this chapter.

17 (b) In determining whether to refer a person, who is ordered to
18 participate in a program pursuant to Section 668 of the Harbors and
19 Navigation Code, in a licensed alcohol and other drug education



1 and counseling services program pursuant to Section 23538 of the
 2 Vehicle Code, or, pursuant to Section 23542, 23548, 23552,
 3 23556, 23562, or 23568 of the Vehicle Code, in a licensed
 4 18-month or 30-month program, the court may consider any
 5 relevant information about the person made available pursuant to
 6 a presentence investigation, that is permitted but not required
 7 under Section 23655 of the Vehicle Code, or other screening
 8 procedure. That information shall not be furnished, however, by
 9 any person who also provides services in a privately operated,
 10 licensed program or who has any direct interest in a privately
 11 operated, licensed program. In addition, the court shall obtain
 12 from the Department of Motor Vehicles a copy of the person's
 13 driving record to determine whether the person is eligible to
 14 participate in a licensed 18-month or 30-month program pursuant
 15 to this chapter. When preparing a presentence report for the court,
 16 the probation department may consider the suitability of placing
 17 the defendant in a treatment program that includes the
 18 administration of nonscheduled nonaddicting medications to
 19 ameliorate an alcohol or controlled substance problem. If the
 20 probation department recommends that this type of program is a
 21 suitable option for the defendant, the defendant who would like the
 22 court to consider this option shall obtain from his or her physician
 23 a prescription for the medication, and a finding that the treatment
 24 is medically suitable for the defendant, prior to consideration of
 25 this alternative by the court.

26 (c) (1) The court shall, as a condition of probation pursuant to
 27 Section 23538 or 23556 of the Vehicle Code, refer a first offender
 28 whose concentration of alcohol in his or her blood was less than
 29 0.20 percent, by weight, to participate for at least three months or
 30 longer, as ordered by the court, in a licensed program that consists
 31 of at least 30 hours of program activities, including those
 32 education, group counseling, and individual interview sessions
 33 described in this chapter.

34 (2) Notwithstanding any other provision of law, in granting
 35 probation to a first offender described in this subdivision whose
 36 concentration of alcohol in the person's blood was 0.20 percent or
 37 more, by weight, or the person refused to take a chemical test, the
 38 court shall order the person to participate, for at least six months
 39 or longer, as ordered by the court, in a licensed program that
 40 consists of at least 45 hours of program activities, including those



1 education, group counseling, and individual interview sessions
2 described in this chapter.

3 (d) (1) The State Department of Alcohol and Drug Programs
4 shall specify in regulations the activities required to be provided
5 in the treatment of participants receiving six months of licensed
6 program services under Section 23538 or 23556 of the Vehicle
7 Code.

8 (2) Any program licensed pursuant to this chapter may provide
9 treatment services to participants receiving at least six months of
10 licensed program services under Section 23538 or 23556 of the
11 Vehicle Code.

12 (e) The court may, subject to Section 11837.2, and as a
13 condition of probation, refer a person to a licensed program, even
14 though the person's privilege to operate a motor vehicle is
15 restricted, suspended, or revoked. An 18-month program
16 described in Section 23542 or 23562 of the Vehicle Code or a
17 30-month program described in Section 23548, 23552, or 23568
18 of the Vehicle Code may include treatment of family members and
19 significant other persons related to the convicted person with the
20 consent of those family members and others as described in this
21 chapter, if there is no increase in the costs of the program to the
22 convicted person.

23 (f) The clerk of the court shall indicate the duration of the
24 program in which the judge has ordered the person to participate
25 in the abstract of the record of the court that is forwarded to the
26 department.

27 SEC. 2. Section 1803 of the Vehicle Code is amended to read:

28 1803. (a) ~~Every~~ The clerk of a court in which a person was
29 convicted of any violation of this code, was convicted of any
30 violation of subdivision (a), (b), (c), (d), (e), or (f) of Section 655
31 of the Harbors and Navigation Code pertaining to a mechanically
32 propelled vessel but not to manipulating any water skis, an
33 aquaplane, or similar device, was convicted of any violation of
34 Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation
35 Code, or any violation of Section 191.5 of the Penal Code when
36 the conviction resulted from the operation of a vessel, was
37 convicted of any offense involving use or possession of controlled
38 substances under Division 10 (commencing with Section 11000)
39 of the Health and Safety Code, was convicted of any felony offense
40 when a commercial motor vehicle, as defined in subdivision (b) of

1 Section 15210, was involved in or incidental to the commission of
2 the offense, or was convicted of any violation of any other statute
3 relating to the safe operation of vehicles, shall prepare within 10
4 days after conviction and immediately forward to the department
5 at its office at Sacramento an abstract of the record of the court
6 covering the case in which the person was so convicted. If
7 sentencing is not pronounced in conjunction with the conviction,
8 the abstract shall be forwarded to the department within 10 days
9 after sentencing and the abstract shall be certified by the person so
10 required to prepare it to be true and correct.

11 For the purposes of this section, a forfeiture of bail shall be
12 equivalent to a conviction.

13 (b) The following violations are not required to be reported
14 under subdivision (a):

15 (1) Division 3.5 (commencing with Section 9840).

16 (2) Section 21113, with respect to parking violations.

17 (3) Chapter 9 (commencing with Section 22500) of Division
18 11, except Section 22526.

19 (4) Division 12 (commencing with Section 24000), except
20 Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103,
21 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3
22 (commencing with Section 26301).

23 (5) Division 15 (commencing with Section 35000), except
24 Chapter 5 (commencing with Section 35550).

25 (6) Violations for which a person was cited as a pedestrian or
26 while operating a bicycle or a motorized scooter.

27 (7) Division 16.5 (commencing with Section 38000).

28 (8) Subdivision (b) of Section 23221, subdivision (b) of
29 Section 23223, subdivision (b) of Section 23225, and subdivision
30 (b) of Section 23226.

31 (c) If the court impounds a license, or orders a person to limit
32 his or her driving pursuant to ~~paragraph (2) of subdivision (a) of~~
33 ~~Section 23538, subdivision (b) of Section 23542, subdivision (b)~~
34 ~~of Section 23562, or~~ subdivision (d) of Section 40508, the court
35 shall notify the department concerning the impoundment or
36 limitation on an abstract prepared pursuant to subdivision (a) of
37 this section or on a separate abstract, which shall be prepared
38 within 10 days after the impoundment or limitation was ordered
39 and immediately forwarded to the department at its office in
40 Sacramento.

(d) If the court determines that a prior judgment of conviction of a violation of Section 23152 or 23153 is valid or is invalid on constitutional grounds pursuant to Section 41403, the clerk of the court in which the determination is made shall prepare an abstract of that determination and forward it to the department in the same manner as an abstract of record pursuant to subdivision (a).

(e) Within 10 days of an order terminating or revoking probation under Section 23602, the clerk of the court in which the order terminating or revoking probation was entered shall prepare and immediately forward to the department at its office in Sacramento an abstract of the record of the court order terminating or revoking probation and any other order of the court to the department required by law.

SEC. 3. Section 13352 of the Vehicle Code is amended to read:

13352. (a) The department shall immediately suspend or revoke, ~~or record the court-administered suspension or revocation of,~~ the privilege of any person to operate a motor vehicle upon receipt of an abstract of the record of any court showing that the person has been convicted of a violation of Section 23152 or 23153 ~~or subdivision (a) of Section 23109~~, or upon receipt of a report of a judge of the juvenile court, a juvenile *traffic* hearing officer, or a referee of a juvenile court showing that the person has been found to have committed a violation of Section 23152 or 23153 ~~or subdivision (a) of Section 23109~~. If any offense specified in this section occurs in a vehicle defined in Section 15210, the suspension or revocation specified below shall apply to the noncommercial driving privilege. The commercial driving privilege shall be disqualified as specified in Sections 15300 to 15302, inclusive. For the purposes of this section, suspension or revocation shall be as follows:

(1) ~~Upon~~ *Except as required under Section 13352.4, upon* a conviction or finding of a violation of Section 23152 punishable under Section 23536, the privilege shall be suspended for a period of six months. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code described in subdivision (b) of Section 23538. *For the purposes of this paragraph, enrollment,*

1 *participation, and completion of an approved program shall be*
2 *subsequent to the date of the current violation. Credit may not be*
3 *given to any program activities completed prior to the date of the*
4 *current violation. The length of the approved program shall be as*
5 *follows:*

6 (A) *A person found by the court to have had a blood-alcohol*
7 *concentration less than 0.20 percent, by weight, shall participate*
8 *for three months or more.*

9 (B) *A person found by the court to have had a blood-alcohol*
10 *concentration of 0.20 percent or more, by weight, shall participate*
11 *for six months or more.*

12 ~~Instead of suspending the person's driving privilege, the~~
13 ~~department shall issue a restricted license upon receipt of an~~
14 ~~abstract of record from the court certifying that the court has~~
15 ~~granted probation to the person based on the conditions specified~~
16 ~~in paragraph (2) of subdivision (a) of, and subdivision (b) of,~~
17 ~~Section 23538.~~

18 (2) Upon a conviction or finding of a violation of Section
19 23153 punishable under Section 23554, the privilege shall be
20 suspended for a period of one year. The privilege may not be
21 reinstated until the person gives proof of financial responsibility
22 and gives proof satisfactory to the department of successful
23 completion of a driving-under-the-influence program licensed
24 pursuant to Section 11836 of the Health and Safety Code as
25 described in Section 23556. *For the purposes of this paragraph,*
26 *enrollment, participation, and completion of an approved*
27 *program shall be subsequent to the date of the current violation.*
28 *Credit may not be given to any program activities completed prior*
29 *to the date of the current violation. The length of the approved*
30 *program shall be as follows:*

31 (A) *A person found by the court to have had a blood-alcohol*
32 *concentration less than 0.20 percent, by weight, shall participate*
33 *for three months or more.*

34 (B) *A person found by the court to have had a blood-alcohol*
35 *concentration of 0.20 percent or more, by weight, shall participate*
36 *for six months or more.*

37 (3) Except as provided in Section 13352.5, upon a conviction
38 or finding of a violation of Section 23152 punishable under
39 Section 23540, the privilege shall be suspended for two years. The
40 privilege may not be reinstated until the person gives proof of

1 financial responsibility and gives proof satisfactory to the
2 department of successful completion of a
3 driving-under-the-influence program licensed pursuant to Section
4 11836 of the Health and Safety Code as described in *subdivision*
5 *(b)* Section 23542. For the purposes of this paragraph, enrollment,
6 participation, and completion of an approved program shall be
7 subsequent to the date of the current violation. ~~No credit shall~~
8 *Credit may not* be given to any program activities completed prior
9 to the date of the current violation. The department shall advise the
10 person that after completion of 12 months of the suspension
11 period, *which may include credit for any suspension period served*
12 *under subdivision (c) of Section 13353*, the person may apply to
13 the department for a restricted driver's license, subject to the
14 following conditions:

15 (A) The person has satisfactorily provided, subsequent to the
16 *violation date of the* current underlying conviction, either of the
17 following:

18 (i) Proof of enrollment in an 18-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code.

21 (ii) Proof of enrollment in a 30-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code, if available in the county of
24 the person's residence or employment.

25 (B) The person agrees, as a condition of the restriction, to
26 continue satisfactory participation in the program described in
27 subparagraph (A).

28 (C) The person submits the "Verification of Installation" form
29 described in paragraph (2) of subdivision (e) of Section 13386.

30 (D) The person agrees to maintain the ignition interlock device
31 as required under subdivision (g) of Section 23575.

32 (E) The person provides proof of financial responsibility, as
33 defined in Section 16430.

34 (F) The person pays all administrative fees or reissue fees and
35 any restriction fee required by the department.

36 (G) The restriction shall remain in effect for the period required
37 in subdivision (f) of Section 23575.

38 (4) Except as provided in this paragraph, upon a conviction or
39 finding of a violation of Section 23153 punishable under Section
40 23560, the privilege shall be revoked for a period of three years.



1 The privilege may not be reinstated until the person gives proof of
2 financial responsibility, and the person gives proof satisfactory to
3 the department of successful completion of a
4 driving-under-the-influence program licensed pursuant to Section
5 11836 of the Health and Safety Code as described in *subdivision*
6 *(b) of Section 23562*. For the purposes of this paragraph,
7 enrollment, participation, and completion of an approved program
8 shall be subsequent to the date of the current violation. ~~No credit~~
9 ~~shall~~ *Credit may not* be given to any program activities completed
10 prior to the date of the current violation. The department shall
11 advise the person that after the completion of 18 months of the
12 revocation period, *which may include credit for any suspension*
13 *period served under subdivision (c) of Section 13353*, the person
14 may apply to the department for a restricted driver's license,
15 subject to the following conditions:

16 (A) The person has satisfactorily completed, subsequent to the
17 *violation date of the* current underlying conviction, either of the
18 following:

19 (i) An 18-month driving-under-the-influence program
20 licensed pursuant to Section 11836 of the Health and Safety Code.

21 (ii) The initial 18 months of a 30-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code, if available in the county of
24 the person's residence or employment, and the person agrees, as
25 a condition of the restriction, to continue satisfactory participation
26 in that 30-month program.

27 (B) The person submits the "Verification of Installation" form
28 described in paragraph (2) of subdivision (e) of Section 13386.

29 (C) The person agrees to maintain the ignition interlock device
30 as required under subdivision (g) of Section 23575.

31 (D) The person provides proof of financial responsibility, as
32 defined in Section 16430.

33 (E) The person pays all applicable reinstatement or reissue fees
34 and any restriction fee required by the department.

35 (F) The restriction shall remain in effect for the period required
36 in subdivision (f) of Section 23575.

37 (5) Except as provided in this paragraph, upon a conviction or
38 finding of a violation of Section 23152 punishable under Section
39 23546, the privilege shall be revoked for a period of three years.

40 The privilege ~~shall~~ *may* not be reinstated until the person files

1 proof of financial responsibility and gives proof satisfactory to the
2 department of successful completion of one of the following
3 programs: an 18-month driving-under-the-influence program
4 licensed pursuant to Section 11836 of the Health and Safety Code
5 *as described in subdivision (b) or (c) of Section 23548*, or, if
6 available in the county of the person's residence or employment,
7 a 30-month driving-under-the-influence program licensed
8 pursuant to Section 11836 of the Health and Safety Code, or a
9 program specified in Section 8001 of the Penal Code. For the
10 purposes of this paragraph, enrollment, participation, and
11 completion of an approved program shall be subsequent to the date
12 of the current violation. ~~No credit shall~~ *Credit may not* be given
13 to any program activities completed prior to the date of the current
14 violation. The department shall advise the person that after
15 completion of 18 months of the revocation period, *which may*
16 *include credit for any suspension period served under subdivision*
17 *(c) of Section 13353*, the person may apply to the department for
18 a restricted driver's license, subject to the following conditions:
19 (A) The person has satisfactorily completed, subsequent to the
20 *violation date of the* current underlying conviction, either of the
21 following:
22 (i) An 18-month driving-under-the-influence program
23 licensed pursuant to Section 11836 of the Health and Safety Code.
24 (ii) The initial 18 months of a 30-month
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety Code, if available in the county of
27 the person's residence or employment, and the person agrees, as
28 a condition of the restriction, to continue satisfactory participation
29 in the 30-month driving-under-the-influence program.
30 (B) The person submits the "Verification of Installation" form
31 described in paragraph (2) of subdivision (e) of Section 13386.
32 (C) The person agrees to maintain the ignition interlock device
33 as required under subdivision (g) of Section 23575.
34 (D) The person provides proof of financial responsibility, as
35 defined in Section 16430.
36 (E) Any individual convicted of a violation of Section 23152
37 punishable under Section 23546 may also, at any time after
38 sentencing, petition the court for referral to an 18-month
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code, or, if available in the county

1 of the person's residence or employment, a 30-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code. Unless good cause is shown,
4 the court shall order the referral.

5 (F) The person pays all applicable reinstatement or reissue fees
6 and any restriction fee required by the department.

7 (G) The restriction shall remain in effect for the period required
8 in subdivision (f) of Section 23575.

9 (6) Except as provided in this paragraph, upon a conviction or
10 finding of a violation of Section 23153 punishable under Section
11 23550.5 or 23566, the privilege shall be revoked for a period of
12 five years. The privilege may not be reinstated until the person
13 gives proof of financial responsibility and proof satisfactory to the
14 department of successful completion of one of the following
15 programs: an 18-month driving-under-the-influence program
16 licensed pursuant to Section 11836 of the Health and Safety Code,
17 *as described in subdivision (b) of Section 23568*, or, if available in
18 the county of the person's residence or employment, a 30-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, or a program specified in
21 Section 8001 of the Penal Code. For the purposes of this
22 paragraph, enrollment, participation, and completion of an
23 approved program shall be subsequent to the date of the current
24 violation. No credit shall be given to any program activities
25 completed prior to the date of the current violation. The
26 department shall advise the person that after the completion of 30
27 months of the revocation period, *which may include credit for any*
28 *suspension period served under subdivision (c) of Section 13353*,
29 the person may apply to the department for a restricted driver's
30 license, subject to the following conditions:

31 (A) The person has satisfactorily completed, subsequent to the
32 *violation date of the* current underlying conviction, either of the
33 following:

34 (i) The initial 18 months of a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, if available in the county of
37 the person's residence or employment, and the person agrees, as
38 a condition of the restriction, to continue satisfactory participation
39 in the 30-month driving-under-the-influence program.

1 (ii) An 18-month driving-under-the-influence program
2 licensed pursuant to Section 11836 of the Health and Safety Code,
3 if a 30-month program is unavailable in the person's county of
4 residence or employment.

5 (B) The person submits the "Verification of Installation" form
6 described in paragraph (2) of subdivision (e) of Section 13386.

7 (C) The person agrees to maintain the ignition interlock device
8 as required under subdivision (g) of Section 23575.

9 (D) The person provides proof of financial responsibility, as
10 defined in Section 16430.

11 (E) Any individual convicted of a violation of Section 23153
12 punishable under Section 23566 may also, at any time after
13 sentencing, petition the court for referral to an 18-month
14 driving-under-the-influence program or, if available in the county
15 of the person's residence or employment, a 30-month program
16 licensed pursuant to Section 11836 of the Health and Safety Code.
17 Unless good cause is shown, the court shall order the referral.

18 (F) The person pays all applicable reinstatement or reissue fees
19 and any restriction fee required by the department.

20 (G) The restriction shall remain in effect for the period required
21 in subdivision (f) of Section 23575.

22 (7) Except as provided in this paragraph, upon a conviction or
23 finding of a violation of Section 23152 punishable under Section
24 23550 or 23550.5, or Section 23153 punishable under Section
25 23550.5 the privilege shall be revoked for a period of four years.
26 The privilege may not be reinstated until the person gives proof of
27 financial responsibility and proof satisfactory to the department of
28 successful completion of one of the following programs: an
29 18-month driving-under-the-influence program licensed pursuant
30 to Section 11836 of the Health and Safety Code, or, if available in
31 the county of the person's residence or employment, a 30-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code, or a program specified in
34 Section 8001 of the Penal Code. For the purposes of this
35 paragraph, enrollment, participation, and completion of an
36 approved program shall be subsequent to the date of the current
37 violation. No credit shall be given to any program activities
38 completed prior to the date of the current violation. The
39 department shall advise the person that after the completion of 24
40 months of the revocation period, *which may include credit for any*

1 *suspension period served under subdivision (c) of Section 13353,*
2 the person may apply to the department for a restricted driver's
3 license, subject to the following conditions:

4 (A) The person has satisfactorily completed, subsequent to the
5 *violation date of the* current underlying conviction, either of the
6 following:

7 (i) An 18-month driving-under-the-influence program
8 licensed pursuant to Section 11836 of the Health and Safety Code.

9 (ii) The initial 18 months of a 30-month
10 driving-under-the-influence program licensed pursuant to Section
11 11836 of the Health and Safety Code, if available in the county of
12 the person's residence or employment, and the person agrees, as
13 a condition of the restriction, to continue satisfactory participation
14 in the 30-month driving-under-the-influence program.

15 (B) The person submits the "Verification of Installation" form
16 described in paragraph (2) of subdivision (e) of Section 13386.

17 (C) The person agrees to maintain the ignition interlock device
18 as required under subdivision (g) of Section 23575.

19 (D) The person provides proof of financial responsibility, as
20 defined in Section 16430.

21 (E) Any individual convicted of a violation of Section 23152
22 punishable under Section 23550 may also, at any time after
23 sentencing, petition the court for referral to an 18-month
24 driving-under-the-influence program or, if available in the county
25 of the person's residence or employment, a 30-month
26 driving-under-the-influence program licensed pursuant to Section
27 11836 of the Health and Safety Code. Unless good cause is shown,
28 the court shall order the referral.

29 (F) The person pays all applicable reinstatement or reissue fees
30 and any restriction fee required by the department.

31 (G) The restriction shall remain in effect for the period required
32 in subdivision (f) of Section 23575.

33 ~~(8) Upon a conviction or finding of a violation of subdivision~~
34 ~~(a) of Section 23109 punishable under subdivision (c) of that~~
35 ~~section, the privilege shall be suspended for a period of 90 days to~~
36 ~~six months, if and as ordered by the court.~~

37 ~~(9) Upon a conviction or finding of a violation of subdivision~~
38 ~~(a) of Section 23109 punishable under subdivision (f) of that~~
39 ~~section, the privilege shall be suspended for a period of six months,~~
40 ~~if the court orders the department to suspend the privilege. The~~

1 ~~privilege may not be reinstated until the person gives proof of~~
2 ~~financial responsibility.~~

3 (b) For the purpose of paragraphs (2) to ~~(9)~~ (7), inclusive, of
4 subdivision (a), the finding of the juvenile court judge, the juvenile
5 hearing officer, or the referee of a juvenile court of a commission
6 of a violation of Section 23152 or 23153 ~~or subdivision (a) of~~
7 ~~Section 23109~~, as specified in subdivision (a) of this section, is a
8 conviction.

9 (c) Each judge of a juvenile court, juvenile hearing officer, or
10 referee of a juvenile court shall immediately report the findings
11 specified in subdivision (a) to the department.

12 (d) A conviction of an offense in any state, territory, or
13 possession of the United States, the District of Columbia, the
14 Commonwealth of Puerto Rico, or Canada that, if committed in
15 this state, would be a violation of Section 23152, is a conviction
16 of Section 23152 for purposes of this section, and a conviction of
17 an offense that, if committed in this state, would be a violation of
18 Section 23153, is a conviction of Section 23153 for purposes of
19 this section. The department shall suspend or revoke the privilege
20 to operate a motor vehicle pursuant to this section upon receiving
21 notice of that conviction.

22 (e) For the purposes of the restriction conditions specified in
23 paragraphs (3) to (7), inclusive, of subdivision (a), the department
24 shall terminate the restriction imposed pursuant to this section and
25 shall suspend or revoke the person's driving privilege upon receipt
26 of notification from the *driving-under-the-influence* program that
27 the person has failed to comply with the program requirements.
28 The person's driving privilege shall remain suspended or revoked
29 for the remaining period of the ~~originating~~ *original* suspension or
30 revocation *imposed under this section* and until all reinstatement
31 requirements described in this section are met.

32 (f) For purposes of this section, completion of a program is the
33 following:

34 (1) Satisfactory completion of all program requirements
35 approved pursuant to program licensure, as evidenced by a
36 certificate of completion issued, under penalty of perjury, by the
37 licensed program.

38 (2) Certification, under penalty of perjury, by the director of a
39 program specified in Section 8001 of the Penal Code, that the

1 person has completed a program specified in Section 8001 of the
2 Penal Code.

3 (g) *The holder of a commercial driver's license who was*
4 *operating a commercial motor vehicle, as defined in Section*
5 *15210, at the time of a violation that resulted in a suspension or*
6 *revocation of the person's noncommercial driving privilege under*
7 *this section is not eligible for the restricted driver's license*
8 *authorized under paragraphs (3) to (7), inclusive, of subdivision*
9 *(a).*

10 SEC. 4. Section 13352.4 of the Vehicle Code is repealed.

11 ~~13352.4. (a) The department shall require a person upon~~
12 ~~whom the court has imposed the condition of probation required~~
13 ~~by subdivision (b) of Section 23538 to submit proof of the~~
14 ~~satisfactory completion of a driving-under-the-influence program~~
15 ~~licensed pursuant to Section 11836 of the Health and Safety Code~~
16 ~~or of a program defined in Section 8001 of the Penal Code, within~~
17 ~~a time period set by the department, beginning from the date of a~~
18 ~~conviction or a finding by a court of a violation of Section 23152.~~

19 ~~(b) The department shall suspend the privilege to drive of any~~
20 ~~person who is not in compliance with subdivision (a).~~

21 ~~(c) The department may suspend the privilege to drive of any~~
22 ~~person for failure to file proof of financial responsibility when the~~
23 ~~person has been ordered by the court to do so. The suspension shall~~
24 ~~remain in effect until adequate proof of financial responsibility is~~
25 ~~filed with the department by the person.~~

26 ~~(d) The department shall not restore the privilege to operate a~~
27 ~~motor vehicle after a suspension pursuant to subdivision (b) until~~
28 ~~the department receives proof of the completion of a program~~
29 ~~pursuant to subdivision (a) that the department finds satisfactory.~~

30 SEC. 5. Section 13352.4 is added to the Vehicle Code, to read:

31 13352.4. (a) Except as provided in subdivision (h), the
32 department shall issue a restricted driver's license to a person
33 whose driver's license was suspended under paragraph (1) of
34 subdivision (a) of Section 13352, if the person meets all of the
35 following requirements:

36 (1) Submits proof satisfactory to the department of enrollment
37 in, or completion of, a driving-under-the-influence program
38 licensed pursuant to Section 11836 of the Health and Safety Code,
39 as described in subdivision (b) of Section 23538.

1 (2) Submits proof of financial responsibility, as defined in
2 Section 16430.

3 (3) Pays all applicable reinstatement or reissue fees and any
4 restriction fee required by the department.

5 (b) The restriction of the driving privilege shall become
6 effective when the department receives all of the documents and
7 fees required under subdivision (a) and shall remain in effect until
8 the final day of the original suspension imposed under paragraph
9 (1) of subdivision (a) of Section 13352, or until the date all
10 reinstatement requirements described in Section 13352 have been
11 met, whichever date is later, and may include credit for any
12 suspension period served under subdivision (c) of Section
13 13353.3.

14 (c) The restriction of the driving privilege shall be limited to the
15 hours necessary for driving to and from the person's place of
16 employment, driving during the course of employment, and
17 driving to and from activities required in the
18 driving-under-the-influence program.

19 (d) Whenever the driving privilege is restricted under this
20 section, proof of financial responsibility, as defined in Section
21 16430, shall be maintained for three years. If the person does not
22 maintain that proof of financial responsibility at any time during
23 the restriction, the driving privilege shall be suspended until the
24 proof required under Section 16484 is received by the department.

25 (e) For the purposes of this section, enrollment, participation,
26 and completion of an approved program shall be subsequent to the
27 date of the current violation. Credit may not be given to a program
28 activity completed prior to the date of the current violation.

29 (f) The department shall terminate the restriction issued under
30 this section and shall suspend the privilege to operate a motor
31 vehicle pursuant to paragraph (1) of subdivision (a) of Section
32 13352 immediately upon receipt of notification from the
33 driving-under-the-influence program that the person has failed to
34 comply with the program requirements. The privilege shall remain
35 suspended until the final day of the original suspension imposed
36 under paragraph (1) of subdivision (a) of Section 13352, or until
37 the date all reinstatement requirements described in Section 13352
38 have been met, whichever date is later.

39 (g) The holder of a commercial driver's license who was
40 operating a commercial motor vehicle, as defined in Section

1 15210, at the time of a violation that resulted in a suspension or
2 revocation of the person's noncommercial driving privilege under
3 paragraph (1) of subdivision (a) of Section 13352 is not eligible for
4 the restricted driver's license authorized under this section.

5 (h) If, upon conviction, the court has made the determination,
6 as authorized under subdivision (d) of Section 23536 or paragraph
7 (3) subdivision (a) of Section 23538, to disallow the issuance of
8 a restricted driver's license, the department may not issue a
9 restricted driver's license under this section.

10 SEC. 6. Section 13352.5 of the Vehicle Code is amended to
11 read:

12 13352.5. (a) The department shall issue a restricted driver's
13 license to a person ~~granted probation under the conditions~~
14 ~~described in subdivision (b) of Section 23542, or to a person~~
15 ~~described in subdivision (h), instead of suspending that person's~~
16 ~~license whose driver's license was suspended under paragraph (3)~~
17 ~~of subdivision (a) of Section 13352, if the person meets all of the~~
18 following requirements:

19 (1) Submits proof *satisfactory to the department* of enrollment
20 in, or completion of, a driving-under-the-influence program
21 licensed pursuant to Section 11836 of the Health and Safety Code,
22 as described in paragraph (4) of subdivision (b) of Section 23542.

23 (2) Submits proof of financial responsibility, as described in
24 Section 16430.

25 (3) *Completes not less than 12 months of the suspension period*
26 *imposed under paragraph (3) of subdivision (a) of Section 13352.*
27 *The 12 months may include credit for any suspension period served*
28 *under subdivision (c) of Section 13353.3.* Pays all applicable
29 reinstatement or reissue fees and any restriction fee required by the
30 department.

31 (b) The restriction of the driving privilege shall become
32 effective when the department receives all of the documents and
33 fees required under subdivision (a) and shall remain in effect ~~for~~
34 ~~the duration of the treatment program described in paragraph (4)~~
35 ~~of subdivision (b) of Section 23542 until the final day of the~~
36 *original suspension imposed under paragraph (3) of subdivision*
37 *(a) of Section 13352, or until the date all reinstatement*
38 *requirements described in Section 13352 have been met,*
39 *whichever date is later.*

1 (c) The restriction of the driving privilege shall be limited to the
2 hours necessary for driving to and from the *person's* place of
3 employment, driving during the course of employment, and
4 driving to and from activities required in the ~~treatment~~
5 *driving-under-the-influence* program.

6 (d) Whenever the driving privilege is restricted under this
7 section, proof of financial responsibility, as defined in Section
8 16430, shall be maintained for three years. If the person does not
9 maintain that proof of financial responsibility at any time during
10 the restriction, the driving privilege shall be suspended until *the*
11 proof ~~pursuant to required under~~ Section 16484 is received by the
12 department.

13 ~~(e) The restriction imposed under this section may be removed~~
14 ~~when the person presents evidence satisfactory to the department~~
15 ~~that the person has completed a driving-under-the-influence~~
16 ~~program licensed pursuant to Section 11836 of the Health and~~
17 ~~Safety Code.~~ For the purposes of this section, enrollment,
18 participation, and completion of an approved program shall be
19 subsequent to the date of the current violation. No credit may be
20 given to any program activities completed prior to the date of the
21 current violation.

22 (f) The department shall ~~immediately~~ terminate the restriction
23 imposed pursuant to this section and shall suspend the privilege to
24 drive under paragraph (3) of subdivision (a) of Section 13352 upon
25 receipt of notification from the ~~treatment~~
26 *driving-under-the-influence* program that the person has failed to
27 comply with the program requirements.

28 (g) *If, upon conviction, the court has made the determination,*
29 *as authorized under subdivision (b) of Section 23540 or*
30 *subdivision (d) of Section 23542, to disallow the issuance of a*
31 *restricted driver's license, the department may not issue a*
32 *restricted driver's license under this section.*

33 (h) Any person restricted pursuant to this section may apply to
34 the department for a restricted driver's license, subject to the
35 conditions specified in paragraph (3) of subdivision (a) of Section
36 13352. Whenever proof of financial responsibility has already
37 been provided and a restriction fee has been paid in compliance
38 with restrictions described in this section, and the offender
39 subsequently receives an ignition interlock device restriction
40 described in paragraph (3) of subdivision (a) of Section 13352, the

1 proof of financial responsibility period shall not be extended
2 beyond the previously established term and no additional
3 restriction fee shall be required.

4 ~~(h)~~

5 (i) This section applies to a person who meets all of the
6 following conditions:

7 (1) Has been convicted of a violation of Section 23152 that
8 occurred on or before July 1, 1999, and is punishable under Section
9 23540, or former Section 23165.

10 (2) Was granted probation for the conviction subject to
11 conditions imposed under subdivision (b) of Section 23542, or
12 under subdivision (b) of former Section 23166.

13 (3) Is no longer subject to the probation described in paragraph
14 (2).

15 (4) Has not completed the licensed
16 driving-under-the-influence program under paragraph (3) of
17 subdivision (a) of Section 13352 for reinstatement of the driving
18 privilege.

19 (5) Has no violations in his or her driving record that would
20 preclude issuance of a restricted driver's license.

21 SEC. 7. Section 13353 of the Vehicle Code is amended to
22 read:

23 13353. (a) If ~~any~~ a person refuses the officer's request to
24 submit to, or fails to complete, a chemical test or tests pursuant to
25 Section 23612, upon receipt of the officer's sworn statement that
26 the officer had reasonable cause to believe the person had been
27 driving a motor vehicle in violation of Section 23140, 23152, or
28 23153, and that the person had refused to submit to, or did not
29 complete, the test or tests after being requested by the officer, the
30 department shall do one of the following:

31 (1) Suspend the person's privilege to operate a motor vehicle
32 for a period of one year.

33 (2) Revoke the person's privilege to operate a motor vehicle for
34 a period of two years if the refusal occurred within seven years of
35 either (A) a separate violation of Section 23103 as specified in
36 Section 23103.5, or of Section 23140, 23152, or 23153, or of
37 Section 191.5 or paragraph (3) of subdivision (c) of Section 192
38 of the Penal Code, that resulted in a conviction, or (B) a suspension
39 or revocation of the person's privilege to operate a motor vehicle

1 pursuant to this section or Section 13353.2 for an offense ~~which~~
2 *that* occurred on a separate occasion.

3 (3) Revoke the person's privilege to operate a motor vehicle for
4 a period of three years if the refusal occurred within seven years
5 of any of the following:

6 (A) Two or more separate violations of Section 23103 as
7 specified in Section 23103.5, or of Section 23140, 23152, or
8 23153, or of Section 191.5 or paragraph (3) of subdivision (c) of
9 Section 192 of the Penal Code, or any combination thereof, which
10 resulted in convictions.

11 (B) Two or more suspensions or revocations of the person's
12 privilege to operate a motor vehicle pursuant to this section or
13 Section 13353.2 for offenses ~~which~~ *that* occurred on separate
14 occasions.

15 (C) Any combination of two or more of those convictions or
16 administrative suspensions or revocations.

17 The officer's sworn statement shall be submitted pursuant to
18 Section 13380 on a form furnished or approved by the department.
19 The suspension or revocation shall not become effective until 30
20 days after the giving of written notice thereof, or until the end of
21 any stay of the suspension or revocation, as provided for in Section
22 13558.

23 (D) For purposes of this section, a conviction of any offense in
24 any state, territory, or possession of the United States, the District
25 of Columbia, the Commonwealth of Puerto Rico, or *the Dominion*
26 *of* Canada that, if committed in this state, would be a violation of
27 Section 23103, as specified in Section 23103.5, or Section 23140,
28 23152, or 23153, or Section 191.5 or paragraph (3) of subdivision
29 (c) of Section 192 of the Penal Code, is a conviction of that
30 particular section of the *Vehicle Code* or Penal Code.

31 (b) The notice of the order of suspension or revocation under
32 this section shall be served on the person by a peace officer
33 pursuant to Section 23612. The notice of the order of suspension
34 or revocation shall be on a form provided by the department. If the
35 notice of the order of suspension or revocation has not been served
36 by the peace officer pursuant to Section 23612, the department
37 immediately shall notify the person in writing of the action taken.
38 The peace officer who serves the notice, or the department, if
39 applicable, also shall provide, if the officer or department, as the
40 case may be, determines that it is necessary to do so, the person

1 with the appropriate non-English notice developed pursuant to
2 subdivision (d) of Section 14100.

3 (c) Upon receipt of the officer's sworn statement, the
4 department shall review the record. For purposes of this section,
5 the scope of the administrative review shall cover all of the
6 following issues:

7 (1) Whether the peace officer had reasonable cause to believe
8 the person had been driving a motor vehicle in violation of Section
9 23140, 23152, or 23153.

10 (2) Whether the person was placed under arrest.

11 (3) Whether the person refused to submit to, or did not
12 complete, the test or tests after being requested by a peace officer.

13 (4) Whether, except for the persons described in subdivision (a)
14 of Section 23612 who are incapable of refusing, the person had
15 been told that his or her driving privilege would be suspended or
16 revoked if he or she refused to submit to, or did not complete, the
17 test or tests.

18 (d) The person may request an administrative hearing pursuant
19 to Section 13558. Except as provided in subdivision (e) of Section
20 13558, the request for an administrative hearing does not stay the
21 order of suspension or revocation.

22 (e) *The suspension or revocation imposed under this section*
23 *shall run concurrently with any restriction, suspension, or*
24 *revocation imposed under Section 13352, 13352.4, or 13352.5*
25 *that resulted from the same arrest.*

26 SEC. 8. Section 13353.3 of the Vehicle Code is amended to
27 read:

28 13353.3. (a) An order of suspension of a person's privilege
29 to operate a motor vehicle pursuant to Section 13353.2 shall
30 become effective 30 days after the person is served with the notice
31 pursuant to Section 13382 or 13388, or subdivision (b) of Section
32 13353.2.

33 (b) The period of suspension of a person's privilege to operate
34 a motor vehicle under Section 13353.2 is as follows:

35 (1) Except as provided in Section 13353.6, if the person has not
36 been convicted of a separate violation of Section 23103, as
37 specified in Section 23103.5, of Section 23140, 23152, or 23153,
38 of Section 191.5 of the Penal Code, or of paragraph (3) of
39 subdivision (c) of Section 192 of that code, the person has not been
40 administratively determined to have refused chemical testing

1 pursuant to Section 13353 or 13353.1, or the person has not been
2 administratively determined to have been driving with an
3 excessive concentration of alcohol pursuant to Section 13353.2 on
4 a separate occasion, which offense or occurrence occurred within
5 seven years of the occasion in question, the person's privilege to
6 operate a motor vehicle shall be suspended for four months.

7 (2) If the person has been convicted of one or more separate
8 violations of Section 23103, as specified in Section 23103.5,
9 Section 23140, 23152, or 23153, Section 191.5 of the Penal Code,
10 or paragraph (3) of subdivision (c) of Section 192 of that code, the
11 person has been administratively determined to have refused
12 chemical testing pursuant to Section 13353 or 13353.1, or the
13 person has been administratively determined to have been driving
14 with an excessive concentration of alcohol pursuant to Section
15 13353.2 on a separate occasion, which offense or occasion
16 occurred within seven years of the occasion in question, the
17 person's privilege to operate a motor vehicle shall be suspended
18 for one year.

19 (3) Notwithstanding any other provision of law, if a person has
20 been administratively determined to have been driving in violation
21 of Section 23136 or to have refused chemical testing pursuant to
22 Section 13353.1, the period of suspension shall not be for less than
23 one year.

24 (c) If a person's privilege to operate a motor vehicle is
25 suspended pursuant to Section 13353.2 and the person is convicted
26 of a violation of Section ~~23140~~, 23152, or 23153, including, *but*
27 *not limited to*, a violation described in Section 23620, arising out
28 of the same occurrence, both the suspension under Section
29 13353.2 and the suspension or revocation under Section 13352
30 shall be imposed, except that, ~~notwithstanding Section 13354~~, the
31 periods of suspension or revocation shall run concurrently, and the
32 total period of suspension or revocation shall not exceed the longer
33 of the two suspension or revocation periods. ~~This subdivision shall~~
34 ~~not affect a suspension or revocation pursuant to Section 13353 for~~
35 ~~refusal to submit to chemical testing or the imposition of~~
36 ~~consecutive periods of suspension or revocation pursuant to~~
37 ~~Section 13354 for that refusal.~~

38 (d) For purposes of this section, a conviction of any offense in
39 any state, territory, or possession of the United States, the District
40 of Columbia, the Commonwealth of Puerto Rico, or *the Dominion*

of Canada that, if committed in this state, would be a violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, is a conviction of that particular section of the Vehicle Code or Penal Code.

SEC. 9. Section 13353.5 of the Vehicle Code is amended to read:

13353.5. (a) If a person whose driving privilege is suspended or revoked under Section 13352 ~~or~~, 13352.4, 13352.6, paragraph (1) of subdivision (g) of Section 23247, or paragraph (2) of subdivision (f) of Section 23575 is a resident of another state at the time the mandatory period of suspension or revocation expires, the department may, ~~upon written application of the person,~~ terminate the suspension or revocation, *upon written application of the person*, for the purpose of allowing the person to apply for a license in his or her state of residence. The application shall include, but need not be limited to, evidence satisfactory to the department that the applicant now resides in another state.

(b) If the person submits an application for a California driver's license within three years after the date of the action to terminate suspension or revocation pursuant to subdivision (a), a license shall not be issued until evidence satisfactory to the department establishes that the person is qualified for reinstatement and no grounds exist including, but not limited to, one or more subsequent convictions for driving under the influence of alcohol or other drugs that would support a refusal to issue a license. The department may waive the three-year requirement ~~upon receipt of a program completion certificate, as described in subdivision (c) of Section 13353.4, that has been duly issued to the individual if~~ *the person provides the department with proof of financial responsibility, as defined in Section 16430, and proof satisfactory to the department of successful completion of a driving-under-the-influence program described in Section 13352, and the driving-under-the-influence program is of the length required under paragraphs (1) to (7), inclusive, of subdivision (a) of Section 13352.*

(c) For the purposes of this section, "state" includes a foreign province or country.

SEC. 10. Section 13353.7 of the Vehicle Code is amended to read:

1 13353.7. (a) Subject to subdivision (c) and except as
2 provided in Section 13353.6 for persons who have commercial
3 driver's licenses, if the person whose driving privilege has been
4 suspended under Section 13353.2 has not been convicted of, or
5 found to have committed, a separate violation of Section 23103,
6 as specified in Section 23103.5, Section 23140, 23152, or 23153
7 of this code, or Section 191.5 or paragraph (3) of subdivision (c)
8 of Section 192 of the Penal Code, and if the person's privilege to
9 operate a motor vehicle has not been suspended or revoked
10 pursuant to Section 13353 or 13353.2 for an offense ~~which that~~
11 occurred on a separate occasion within seven years of the occasion
12 in question and, if the person subsequently enrolls in a ~~program~~
13 ~~described in Section 11837.3 of the Health and Safety Code,~~
14 ~~pursuant to driving-under-the-influence program licensed under~~
15 ~~Section 11836 of the Health and Safety Code, as described in~~
16 subdivision (b) of Section 23538, that person, if 21 years of age or
17 older at the time the offense occurred, may apply to the department
18 for a restricted driver's license limited to travel to and from the
19 activities required by the program ~~or and to and from and in the~~
20 ~~course of the person's employment, or both. Notwithstanding any~~
21 ~~other provision of law, if the person's restricted driver's license~~
22 ~~permits travel to and from and in the course of his or her~~
23 ~~employment, the person's privilege to operate a motor vehicle~~
24 ~~shall be suspended, subject to the restriction, for six months. After~~
25 receiving proof of enrollment in the program, and if the person has
26 not been arrested subsequent to the offense for which the person's
27 driving privilege has been suspended under Section 13353.2 for a
28 violation of Section 23103, as specified in Section 23103.5,
29 Section 23140, 23152, or 23153 of this code, or Section 191.5 or
30 paragraph (3) of subdivision (c) of Section 192 of the Penal Code,
31 and if the person's privilege to operate a motor vehicle has not been
32 suspended or revoked pursuant to Section 13353 or 13353.2 for an
33 offense ~~which that~~ occurred on a separate occasion,
34 notwithstanding Section 13551, the department shall, after review
35 pursuant to Section 13557, suspend the person's privilege to
36 operate a motor vehicle for 30 days and then issue the person a
37 restricted driver's license under the following conditions:
38 (1) The program shall report any failure to participate in the
39 program to the department and shall certify successful completion
40 of the program to the department.

1 (2) The person was 21 years of age or older at the time the
2 offense occurred and gives proof of financial responsibility as
3 defined in Section 16430.

4 ~~(3) The restricted driver's license authorizes the operation of a~~
5 ~~motor vehicle only to and from the activities required under the~~
6 ~~program restriction shall be imposed for a period of five months.~~

7 (4) If any person who has been issued a restricted license under
8 this section fails at any time to participate in the program, the
9 department shall suspend the restricted license immediately. The
10 department shall give notice of the suspension under this
11 paragraph in the same manner as prescribed in subdivision (b) of
12 Section 13353.2 for the period specified in Section 13353.3, which
13 is effective upon receipt by the person.

14 ~~(5) On or after 60 days after the effective date of the restricted~~
15 ~~license, and upon notification of successful completion of the~~
16 ~~program, the department may issue an unrestricted driver's license~~
17 ~~to the person.~~

18 ~~(b) If the court of jurisdiction in a criminal action arising out of~~
19 ~~the same offense orders the department to suspend or revoke the~~
20 ~~person's privilege to operate a motor vehicle or does not grant~~
21 ~~probation after conviction of that offense, notwithstanding~~
22 *Notwithstanding subdivision (a) and upon a conviction of Section*
23 *23152 or 23153, the department shall suspend or revoke the*
24 *person's privilege pursuant to the order of the court or to operate*
25 *a motor vehicle under Section 13352.*

26 (c) If the holder of a commercial driver's license was operating
27 a commercial vehicle, as defined in Section 15210, at the time of
28 the violation ~~which that~~ resulted in the suspension of that person's
29 driving privilege under Section 13353.2, the department shall,
30 pursuant to this section, if the person is otherwise eligible, issue the
31 person a class C driver's license restricted in the same manner and
32 subject to the same conditions as specified in subdivision (a),
33 except that the license ~~shall~~ *may* not allow travel to and from or in
34 the course of the person's employment.

35 (d) This section does not apply to a person whose driving
36 privilege has been suspended or revoked pursuant to ~~the order of~~
37 ~~the court or~~ Section 13353 or 13353.2 for an offense ~~which that~~
38 occurred on a separate occasion, or as a result of a conviction of
39 a separate violation of Section 23103, as specified in Section
40 23103.5, or Section 23140, 23152, or 23153, which violation

1 occurred within seven years of the offense in question. This
2 subdivision shall be operative only so long as a one-year
3 suspension of the driving privilege for a second or subsequent
4 occurrence or offense, with no restricted or hardship licenses
5 permitted, is required by Section 408 or 410 of Title 23 of the
6 United States Code.

7 SEC. 11. Section 13354 of the Vehicle Code is repealed.

8 ~~13354. —(a) Notwithstanding Section 13366, if (1) an abstract~~
9 ~~of conviction is received by the department for an offense which~~
10 ~~requires the department to restrict, suspend, or revoke the privilege~~
11 ~~to operate a motor vehicle of a person after conviction or finding~~
12 ~~of a violation pursuant to Section 13352 or 13352.5, (2) there is a~~
13 ~~suspension of that person's privilege to operate a motor vehicle~~
14 ~~already in effect for refusal to consent to, or for failure to complete,~~
15 ~~a chemical test pursuant to Section 13353 or a suspension already~~
16 ~~in effect for driving with an excessive alcohol content in the~~
17 ~~person's blood pursuant to Section 13353.2, (3) that suspension is~~
18 ~~administratively final and resulted from the same arrest, and (4)~~
19 ~~the sentencing court orders these restrictions, suspensions,~~
20 ~~revocations, or a combination thereof to run consecutively, then~~
21 ~~the restriction, suspension, or revocation resulting from the~~
22 ~~conviction or finding pursuant to Section 13352 or 13352.5 shall~~
23 ~~commence after the suspension already in effect pursuant to~~
24 ~~Section 13353 or 13353.2 has terminated, except as provided in~~
25 ~~subdivision (c) of Section 13353.3.~~

26 ~~(b) Notwithstanding Section 13366, if (1) the department is~~
27 ~~required to suspend a person's privilege to operate a motor vehicle~~
28 ~~for refusal to consent to, or for failure to complete, a chemical test~~
29 ~~pursuant to Section 13353 or to suspend a person's privilege to~~
30 ~~operate a motor vehicle for driving with an excessive alcohol~~
31 ~~content in the person's blood pursuant to Section 13353.2, (2)~~
32 ~~there is a restriction, suspension, or revocation of the person's~~
33 ~~privilege to operate a motor vehicle already in effect for a~~
34 ~~conviction or finding of a violation pursuant to Section 13352 or~~
35 ~~13352.5 which resulted from the same arrest, and (3) the~~
36 ~~sentencing court orders these restrictions, suspensions,~~
37 ~~revocations, or a combination thereof to run consecutively, then~~
38 ~~the suspension for refusal to consent to, or for failure to complete,~~
39 ~~the chemical test pursuant to Section 13353 or the suspension of~~
40 ~~that person's privilege to operate a motor vehicle already in effect~~

1 ~~for driving with an excessive alcohol content in the person's blood~~
2 ~~pursuant to Section 13353.2 shall commence after the restriction,~~
3 ~~suspension, or revocation already in effect pursuant to Section~~
4 ~~13352 or 13352.5 has terminated, except as provided in~~
5 ~~subdivision (e) of Section 13353.3.~~

6 ~~(e) The purpose of this section is to require that any suspension~~
7 ~~under Section 13353 or 13353.2 and any restriction, suspension or~~
8 ~~revocation under Section 13352 or 13352.5 resulting from the~~
9 ~~same arrest are cumulative and shall be imposed consecutively, if~~
10 ~~so ordered by the court.~~

11 SEC. 12. Section 13354 is added to the Vehicle Code, to read:

12 13354. (a) The department shall immediately suspend the
13 privilege of a person to operate a motor vehicle upon receipt of an
14 abstract of the record of a court showing that the person has been
15 convicted of a violation of subdivision (a) of Section 23109, as
16 follows:

17 (1) For a conviction or finding of a violation of subdivision (a)
18 of Section 23109, punishable under subdivision (e) of that section,
19 the privilege shall be suspended for 90 days to six months if, and
20 as so ordered by the court.

21 (2) For a conviction or finding of a violation of subdivision (a)
22 of Section 23109, punishable under subdivision (f) of that section,
23 the privilege shall be suspended for a period of six months, if the
24 court orders the department to suspend the privilege. The privilege
25 may not be reinstated until the person gives proof of financial
26 responsibility, as defined in Section 16430.

27 (b) For the purposes of this section, the finding of a juvenile
28 court judge, a juvenile hearing officer, or a referee of a juvenile
29 court of a commission of a violation of subdivision (a) of Section
30 23109 is a conviction.

31 (c) A judge of a juvenile court, juvenile hearing officer, or
32 referee of a juvenile court shall immediately report the findings
33 specified in this section to the department.

34 SEC. 13. Section 13954 of the Vehicle Code is amended to
35 read:

36 13954. (a) Notwithstanding any other provision of this code,
37 the department immediately shall suspend or revoke the driving
38 privilege of any person who the department has reasonable cause
39 to believe was in some manner involved in an accident while

operating a motor vehicle under the following circumstances at the time of the accident:

(1) The person had 0.08 percent or more, by weight, of alcohol in his or her blood.

(2) He or she proximately caused the accident as a result of any act prohibited, or the neglect of any duty imposed, by law.

(3) The accident occurred within five years of the date of a violation of paragraph (3) of subdivision (c) of Section 192 of the Penal Code ~~which~~ *that* resulted in a conviction.

(b) If an accident described in subdivision (a) does not result in a conviction or finding of violation of Section 23152 or 23153, the department shall suspend the driving privilege under this section for one year from the date of commencement of the original suspension. After the one-year suspension period, the driving privilege may be reinstated if evidence establishes to the satisfaction of the department that no grounds exist that would authorize the refusal to issue a license and that reinstatement of the driving privilege would not jeopardize the safety of the person or other persons upon the highways, and if the person gives proof of financial responsibility, as defined in Section 16430.

(c) If an accident described in subdivision (a) does result in a conviction or finding of a violation of Section 23152 or 23153, the department shall revoke the driving privilege under this section for three years from the date of commencement of the original revocation. After the three-year revocation period, the driving privilege may be reinstated if evidence establishes to the satisfaction of the department that no grounds exist that would authorize the refusal to issue a license and that reinstatement of the driving privilege would not jeopardize the safety of the person or other persons upon the highways, and if the person gives proof of financial responsibility.

(d) Any revocation action under subdivision (c) shall be imposed as follows:

(1) If the accident results in a first conviction of a violation of Section 23152 or 23153, or if the person was convicted of a separate violation of Section 23152 or 23153 which occurred within five years of the accident, the period of revocation under subdivision (c) shall be concurrent with any period of restriction, suspension, or revocation imposed under Section 13352, 13352.4, or 13352.5.

(2) If the person was convicted of two or more separate violations of Section 23152 or 23153, or both, ~~which~~ *that* occurred within five years of the accident, the period of revocation under subdivision (c) shall be cumulative and shall be imposed consecutively with any period of restriction, suspension, or revocation imposed under Section 13352 or 13352.5.

(e) The department immediately shall notify the person in writing of the action taken and, upon the person's request in writing and within 15 days from the date of receipt of that request, shall grant the person an opportunity for a hearing in the same manner and under the same conditions as provided in Article 3 (commencing with Section 14100) of Chapter 3, except as otherwise provided in this section. For purposes of this section, the scope of the hearing shall cover the following issues:

(1) Whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153.

(2) Whether the person had been placed under lawful arrest.

(3) Whether a chemical test of the person's blood, breath, or urine indicated that the blood-alcohol level was 0.08 percent or more, by weight, at the time of testing.

If the department determines, upon a hearing of the matter, that the person had not been placed under lawful arrest, or that a chemical test of the person's blood, breath, or urine did not indicate a blood-alcohol level of 0.08 percent or more, by weight, at the time of testing, the suspension or revocation shall be terminated immediately.

(f) This section ~~is applicable~~ *applies* if the accident occurred on or after January 1, 1990, without regard for the dates of the violations referred to in subdivisions (a) and (d).

(g) Notwithstanding subdivision (f), if a person's privilege to operate a motor vehicle is required to be suspended or revoked pursuant to this section as it read before January 1, 1990, as a result of an accident ~~which~~ *that* occurred before January 1, 1990, the privilege shall be suspended or revoked pursuant to this section as it read before January 1, 1990.

SEC. 14. Section 14601.2 of the Vehicle Code is amended to read:

14601.2. (a) No person shall drive a motor vehicle at any time when that person's driving privilege is suspended or revoked

1 for a conviction of a violation of Section 23152 or 23153 if the
2 person so driving has knowledge of the suspension or revocation.

3 (b) Except in full compliance with the restriction, no person
4 shall drive a motor vehicle at any time when that person's driving
5 privilege is restricted, if the person so driving has knowledge of the
6 restriction.

7 (c) Knowledge of suspension or revocation of the driving
8 privilege shall be conclusively presumed if mailed notice has been
9 given by the department to the person pursuant to Section 13106.
10 Knowledge of restriction of the driving privilege shall be
11 presumed if notice has been given by the court to the person. The
12 presumption established by this subdivision is a presumption
13 affecting the burden of proof.

14 (d) Any person convicted of a violation of this section shall be
15 punished as follows:

16 (1) Upon a first conviction, by imprisonment in the county jail
17 for not less than 10 days or more than six months and by a fine of
18 not less than three hundred dollars (\$300) or more than one
19 thousand dollars (\$1,000), unless the person has been designated
20 an habitual traffic offender under subdivision (b) of Section
21 23546, subdivision ~~(b)~~ (d) of Section 23550, or subdivision (b) of
22 Section 23550.5, in which case the person, in addition, shall be
23 sentenced as provided in paragraph (3) of subdivision (e) of
24 Section 14601.3.

25 (2) If the offense occurred within five years of a prior offense
26 that resulted in a conviction of a violation of this section or Section
27 14601, 14601.1, or 14601.5, by imprisonment in the county jail for
28 not less than 30 days or more than one year and by a fine of not less
29 than five hundred dollars (\$500) or more than two thousand dollars
30 (\$2,000), unless the person has been designated an habitual traffic
31 offender under subdivision (b) of Section 23546-~~or~~, subdivision
32 (b) of Section 23550, *or subdivision (d) of Section 23550.5*, in
33 which case the person, in addition, shall be sentenced as provided
34 in paragraph (3) of subdivision (e) of Section 14601.3.

35 (e) If ~~any~~ a person is convicted of a first offense under this
36 section and is granted probation, the court shall impose as a
37 condition of probation that the person be confined in the county jail
38 for at least 10 days.

39 (f) If the offense occurred within five years of a prior offense
40 that resulted in a conviction of a violation of this section or Section

14601, 14601.1, or 14601.5 and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 30 days.

(g) If any person is convicted of a second or subsequent offense that results in a conviction of this section within seven years, but over five years, of a prior offense that resulted in a conviction of a violation of this section or Section 14601, 14601.1, or 14601.5 and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 10 days.

(h) Pursuant to Section 23575, the court shall require any person convicted of a violation of this section to install a certified ignition interlock device on any vehicle the person owns or operates.

(i) Nothing in this section prohibits a person who is participating in, or has completed, an alcohol or drug rehabilitation program from driving a motor vehicle that is owned or utilized by the person's employer, during the course of employment on private property that is owned or utilized by the employer, except an offstreet parking facility as defined in subdivision (c) of Section 12500.

SEC. 15. Section 23109 of the Vehicle Code is amended to read:

23109. (a) ~~No~~ A person shall *not* engage in any motor vehicle speed contest on a highway. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but where the vehicle does not exceed the speed limits, is not a speed contest.

(b) ~~No~~ A person shall *not* aid or abet in any motor vehicle speed contest on any highway.

(c) ~~No~~ A person shall *not* engage in any motor vehicle exhibition of speed on a highway, and no person shall aid or abet in any motor vehicle exhibition of speed on any highway.

(d) ~~No~~ A person shall *not* for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a highway in any manner obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway.

1 (e) ~~Any~~ A person convicted of a violation of subdivision (a)
2 shall be punished by imprisonment in the county jail for not less
3 than 24 hours nor more than 90 days or by a fine of not less than
4 three hundred fifty-five dollars (\$355) nor more than one thousand
5 dollars (\$1,000) or both that fine and imprisonment. The person's
6 privilege to operate a motor vehicle shall be subject to suspension
7 as provided in subdivision (a) of Section ~~13352~~ 13354. The
8 person's privilege to operate a motor vehicle may be restricted for
9 90 days to six months to necessary travel to and from that person's
10 place of employment and, if driving a motor vehicle is necessary
11 to perform the duties of the person's employment, restricted to
12 driving in that person's scope of employment. This subdivision
13 does not interfere with the court's power to grant probation in a
14 suitable case.

15 (f) ~~Any~~ A person convicted of a violation of subdivision (a) for
16 an offense ~~which~~ *that* occurred within five years of the date of a
17 prior offense ~~which~~ *that* resulted in a conviction of a violation of
18 subdivision (a) shall be punished by imprisonment in the county
19 jail for not less than four days nor more than six months and by a
20 fine of not less than five hundred dollars (\$500) nor more than one
21 thousand dollars (\$1,000). Additionally, the Department of Motor
22 Vehicles shall either suspend the person's privilege to operate a
23 motor vehicle, as provided in subdivision (a) of Section ~~13352~~
24 13354, or the person's privilege to operate a motor vehicle shall be
25 restricted for six months to necessary travel to and from that
26 person's place of employment and, if driving a motor vehicle is
27 necessary to perform the duties of the person's employment,
28 restricted to driving in that person's scope of employment. This
29 subdivision does not interfere with the court's power to grant
30 probation in a suitable case.

31 (g) If the court grants probation to ~~any~~ a person punishable
32 under subdivision (f), in addition to the provisions of subdivision
33 (f) and any other terms and conditions imposed by the court, which
34 may include a fine, the court shall impose as a condition of
35 probation that the person be confined in the county jail for not less
36 than 48 hours nor more than six months. The person's privilege to
37 operate a motor vehicle shall also be suspended by the Department
38 of Motor Vehicles pursuant to subdivision (a) of Section ~~13352 or~~
39 ~~shall be restricted pursuant to subdivision (f) 13354.~~

1 (h) If ~~any~~ a person is convicted of a violation of subdivision (a)
2 and the vehicle used in the violation is registered to that person, the
3 vehicle may be impounded at the registered owner's expense for
4 not less than one day nor more than 30 days.

5 (i) ~~Any~~ A person who violates subdivision (b), (c), or (d) of this
6 section shall upon conviction thereof be punished by
7 imprisonment in the county jail for not more than 90 days or by
8 fine of not more than five hundred dollars (\$500) or by both that
9 fine and imprisonment.

10 (j) If a person's privilege to operate a motor vehicle is restricted
11 by a court pursuant to this section, the court shall clearly mark the
12 restriction and the dates of the restriction on that person's driver's
13 license and promptly notify the Department of Motor Vehicles of
14 the terms of the restriction in a manner prescribed by the
15 department. The Department of Motor Vehicles shall place that
16 restriction in the person's records in the Department of Motor
17 Vehicles and enter the restriction on any license subsequently
18 issued by the Department of Motor Vehicles to that person during
19 the period of the restriction.

20 (k) The court may order that ~~any~~ a person convicted under this
21 section, who is to be punished by imprisonment in the county jail,
22 be imprisoned on days other than days of regular employment of
23 the person, as determined by the court.

24 (l) This section shall be known and may be cited as the Louis
25 Friend Memorial Act.

26 SEC. 16. Section 23109.5 of the Vehicle Code is amended to
27 read:

28 23109.5. (a) In any case charging a violation of subdivision
29 (a) of Section 23109 ~~and~~, where the offense occurs within five
30 years of one or more prior offenses ~~which~~ that resulted in
31 conviction of a violation of subdivision (a) of Section 23109, the
32 court shall not strike any prior conviction of those offenses for
33 purposes of sentencing in order to avoid imposing, as part of the
34 sentence or term of probation, the minimum time of
35 imprisonment, as provided in subdivision (f) of Section 23109, or
36 for purposes of avoiding revocation, suspension, or restriction of
37 the privilege to operate a motor vehicle, as provided in Section
38 ~~13352~~ 13354 or 23109.

39 (b) In any case charging a violation of subdivision (a) of
40 Section 23109, the court shall obtain a copy of the driving record

1 of the person charged from the ~~Department of Motor Vehicles~~
2 ~~department~~ and may obtain any records from the Department of
3 Justice or any other source to determine if one or more prior
4 convictions of the person for violation of subdivision (a) of
5 Section 23109 have occurred within five years of the charged
6 offense.

7 SEC. 17. Section 23521 of the Vehicle Code is amended to
8 read:

9 23521. Any finding of a juvenile court judge, juvenile hearing
10 officer, or referee of a juvenile court of a commission of an offense
11 in any state, territory, possession of the United States, the District
12 of Columbia, the Commonwealth of Puerto Rico, or the Dominion
13 of Canada ~~which~~ *that*, if committed in this state, would be a
14 violation of Section 23152, is a conviction of a violation of Section
15 23152 for the purposes of Sections 13352, 13352.3, 13352.4, and
16 13352.5, and the finding of a juvenile court judge, juvenile hearing
17 officer, or referee of a juvenile court of a commission of an offense
18 ~~which~~ *that*, if committed in this state, would be a violation of
19 Section 23153 is a conviction of a violation of Section 23153 for
20 the purposes of Sections 13352 and 13352.3.

21 SEC. 18. Section 23536 of the Vehicle Code is amended to
22 read:

23 23536. (a) If ~~any~~ *a* person is convicted of a first violation of
24 Section 23152, that person shall be punished by imprisonment in
25 the county jail for not less than 96 hours, at least 48 hours of which
26 shall be continuous, nor more than six months, and by a fine of not
27 less than three hundred ninety dollars (\$390), nor more than one
28 thousand dollars (\$1,000).

29 (b) The court shall order that ~~any~~ *a* person punished under
30 subdivision (a), who is to be punished by imprisonment in the
31 county jail, be imprisoned on days other than days of regular
32 employment of the person, as determined by the court. If the court
33 determines that 48 hours of continuous imprisonment would
34 interfere with the person's work schedule, the court shall allow the
35 person to serve the imprisonment whenever the person is normally
36 scheduled for time off from work. The court may make this
37 determination based upon a representation from the defendant's
38 attorney or upon an affidavit or testimony from the defendant.

39 (c) ~~Except as provided in paragraph (2) of subdivision (a) of~~
40 ~~Section 23538, the~~ *The* person's privilege to operate a motor

vehicle shall be suspended by the Department of Motor Vehicles pursuant to department under paragraph (1) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13550.

(d) Whenever, when considering the circumstances taken as a whole, the court determines that the person punished under this section would present a traffic safety or public safety risk if authorized to operate a motor vehicle during the period of suspension imposed under paragraph (1) of subdivision (a) of Section 13352, the court may disallow the issuance of a restricted driver's license required under 13352.4.

SEC. 19. Section 23538 of the Vehicle Code is amended to read:

23538. (a) ~~Except as provided in subdivision (d), if (1) If the~~ court grants probation to ~~any~~ person punished under Section 23536, in addition to the provisions of Section 23600 and any other terms and conditions imposed by the court, the court shall impose as a condition of probation that the person ~~be subject to one of the following:~~

~~(1) Be confined in the county jail for at least 48 hours but not more than six months, and pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000). Except as provided in paragraph (2), the person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (1) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13550.~~

~~(2) Pay a fine of at least three hundred ninety dollars (\$390) but not more than one thousand dollars (\$1,000), and, if the person gives proof of financial responsibility, as defined in Section 16430, to the Department of Motor Vehicles, have the privilege to operate a motor vehicle restricted for 90 days to necessary travel to and from that person's place of employment and to and from participation in a program described in subdivision (b). If driving a motor vehicle is necessary to perform the duties of the person's employment, the restriction also shall allow the person to drive to locations within the person's scope of employment. Whenever the driving privilege is restricted pursuant to this paragraph, the~~

1 ~~person shall maintain proof of financial responsibility for three~~
2 ~~years.~~

3 ~~(3) If the court elects to order a 90-day restriction as provided~~
4 ~~for in paragraph (2), the court shall order and advise the person of~~
5 ~~the following matters:~~

6 ~~(A) If the person's privilege to operate a motor vehicle is~~
7 ~~suspended under Section 13353.2, the court ordered restriction~~
8 ~~does not allow the person to operate a motor vehicle unless the~~
9 ~~suspension under Section 13353.2 has either been served to~~
10 ~~completion or set aside, and his or her license has been reinstated.~~
11 ~~The restriction of the driver's license described in paragraph (2)~~
12 ~~shall commence upon the reinstatement of the privilege to operate~~
13 ~~a motor vehicle.~~

14 ~~(B) If a suspension was not imposed pursuant to Section~~
15 ~~13353.2, the person shall be advised by the court that the person's~~
16 ~~driving privilege may be suspended by the department pursuant to~~
17 ~~subdivision (c) of Section 13352.4 until proof of financial~~
18 ~~responsibility is provided pay a fine of at least three hundred ninety~~
19 ~~dollars (\$390), but not more than one thousand dollars (\$1,000).~~
20 ~~The court may also impose, as a condition of probation, that the~~
21 ~~person be confined in a county jail for at least 48 hours, but not~~
22 ~~more than six months.~~

23 ~~(2) The person's privilege to operate a motor vehicle shall be~~
24 ~~suspended by the department under paragraph (1) of subdivision~~
25 ~~(a) of Section 13352. The court shall require the person to~~
26 ~~surrender the driver's license to the court in accordance with~~
27 ~~Section 13550.~~

28 ~~(3) Whenever, when considering the circumstances taken as a~~
29 ~~whole, the court determines that the person punished under this~~
30 ~~section would present a traffic safety or public safety risk if~~
31 ~~authorized to operate a motor vehicle during the period of~~
32 ~~suspension imposed under paragraph (1) of subdivision (a) of~~
33 ~~Section 13352, the court may disallow the issuance of a restricted~~
34 ~~driver's license required under 13352.4.~~

35 ~~(b) In any county where the board of supervisors has approved,~~
36 ~~and the State Department of Alcohol and Drug Programs has~~
37 ~~licensed, a program or programs described in Section 11837.3 of~~
38 ~~the Health and Safety Code, the court shall also impose as a~~
39 ~~condition of probation that the driver shall enroll and participate~~
40 ~~in, and successfully complete a driving-under-the-influence~~

1 program, licensed pursuant to Section 11836 of the Health and
2 Safety Code, in the driver's county of residence or employment,
3 as designated by the court. *For the purposes of this subdivision,*
4 *enrollment in, participation in, and completion of an approved*
5 *program shall be subsequent to the date of the current violation.*
6 *Credit may not be given for any program activities completed prior*
7 *to the date of the current violation.*

8 (1) The court shall refer a first offender whose blood-alcohol
9 concentration was less than 0.20 percent, by weight, to participate
10 for at least three months or longer, as ordered by the court, in a
11 licensed program that consists of at least 30 hours of program
12 activities, including those education, group counseling, and
13 individual interview sessions described in Chapter 9 (commencing
14 with Section 11836) of Part 2 of Division 10.5 of the Health and
15 Safety Code.

16 (2) The court shall refer a first offender whose blood-alcohol
17 concentration was 0.20 percent or more, by weight, or who refused
18 to take a chemical test, to participate for at least six months or
19 longer, as ordered by the court, in a licensed program that consists
20 of at least 45 hours of program activities, including those
21 education, group counseling, and individual interview sessions
22 described in Chapter 9 (commencing with Section 11836) of Part
23 2 of Division 10.5 of the Health and Safety Code.

24 (3) The court shall advise the person at the time of sentencing
25 that the driving privilege shall not be restored until the person has
26 provided proof satisfactory to the ~~Department of Motor Vehicles~~
27 *department* of successful completion of a
28 driving-under-the-influence program *of the length required under*
29 *this code that is* licensed pursuant to Section 11836 of the Health
30 and Safety Code.

31 (c) (1) The court shall revoke the person's probation pursuant
32 to Section 23602, except for good cause shown, for the failure to
33 enroll in, participate in, or complete a program specified in
34 subdivision (b).

35 (2) The court, in establishing reporting requirements, shall
36 consult with the county alcohol program administrator. The
37 county alcohol program administrator shall coordinate the
38 reporting requirements with the department and with the State
39 Department of Alcohol and Drug Programs. That reporting shall
40 ensure that all persons who, after being ordered to attend and

1 complete a program, may be identified for either (A) failure to
2 enroll in, or failure to successfully complete, the program, or (B)
3 successful completion of the program as ordered.

4 ~~(d) Notwithstanding subdivision (a), if the offense occurred in~~
5 ~~a vehicle requiring a driver with a class A or class B driver's license~~
6 ~~or with an endorsement specified in Section 15278, the court shall~~
7 ~~upon conviction order the department to suspend the driver's~~
8 ~~privilege pursuant to paragraph (1) of subdivision (a) of Section~~
9 ~~13352.~~

10 SEC. 20. Section 23540 of the Vehicle Code is amended to
11 read:

12 23540. (a) If ~~any~~ a person is convicted of a violation of
13 Section 23152 and the offense occurred within seven years of a
14 separate violation of Section 23103, as specified in Section
15 23103.5, 23152, or 23153, ~~which~~ that resulted in a conviction, that
16 person shall be punished by imprisonment in the county jail for not
17 less than 90 days nor more than one year and by a fine of not less
18 than three hundred ninety dollars (\$390) nor more than one
19 thousand dollars (\$1,000). The person's privilege to operate a
20 motor vehicle shall be suspended by the ~~Department of Motor~~
21 ~~Vehicles~~ department pursuant to paragraph (3) of subdivision (a)
22 of Section 13352. The court shall require the person to surrender
23 the driver's license to the court in accordance with Section 13550.

24 (b) *Whenever, when considering the circumstances taken as a*
25 *whole, the court determines that the person punished under this*
26 *section would present a traffic safety or public safety risk if*
27 *authorized to operate a motor vehicle during the period of*
28 *suspension imposed under paragraph (3) of subdivision (a) of*
29 *Section 13352, the court may disallow the issuance of a restricted*
30 *driver's license required under 13352.5.*

31 SEC. 21. Section 23542 of the Vehicle Code is amended to
32 read:

33 23542. (a) (1) If the court grants probation to ~~any~~ a person
34 punished under Section 23540, in addition to the provisions of
35 Section 23600 and any other terms and conditions imposed by the
36 court, the court shall impose as conditions of probation that the
37 person be subject to either subdivision (a) or (b), as follows:

38 ~~(a) Be confined in the county jail for at least 10 days but not~~
39 ~~more than one year, and pay a fine of at least three hundred ninety~~
40 ~~dollars (\$390), but not more than one thousand dollars (\$1,000).~~

~~The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (3) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13550.~~

~~(b) All of the following:~~

~~(1) Be confined in the county jail for at least 96 hours, but not more than one year. A sentence of 96 hours of confinement shall be served in two increments consisting of a continuous 48 hours each. The two 48-hour increments may be served nonconsecutively.~~

~~(2) Pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000).~~

~~(3) Have the privilege to operate a motor vehicle be restricted by the Department of Motor Vehicles pursuant to Section 13352.5. Until all conditions prescribed in this section are met, the person's driving privilege is suspended pursuant to paragraph (3) of subdivision (a) of Section 13352. This paragraph does not apply if the offense occurred in a vehicle requiring a driver with a class A or class B driver's license or with an endorsement prescribed in Section 15278.~~

~~(4) Either of the following:~~

~~(A) confined in county jail and fined under either of the following:~~

~~(A) For at least 10 days, but not more than one year, and pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000).~~

~~(B) For at least 96 hours, but not more than one year, and pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000). A sentence of 96 hours of confinement shall be served in two increments consisting of a continuous 48 hours each. The two 48-hour increments may be served nonconsecutively.~~

~~(2) The person's privilege to operate a motor vehicle shall be suspended by the department under paragraph (3) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13550.~~

~~(b) In addition to the conditions specified in subdivision (a), the court shall require the person to do either of the following:~~

(1) Enroll and participate, for at least 18 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as designated by the court. The person shall complete the entire program subsequent to, and shall not be given any credit for any program activities completed prior to, the date of the current violation. The program shall provide for persons who cannot afford the program fee pursuant to paragraph (2) of subdivision (b) of Section 11837.4 of the Health and Safety Code in order to enable those persons to participate.

~~(B)~~

(2) Enroll and participate, for at least 30 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. The person shall complete the entire program subsequent to, and shall not be given any credit for any program activities completed prior to, the date of the current violation.

(c) The court shall advise the person at the time of sentencing that the driving privilege shall not be restored until the person has provided proof satisfactory to the Department of Motor Vehicles of successful completion of a driving-under-the-influence program *of the length required under this code* licensed pursuant to Section 11836 of the Health and Safety Code.

(d) Whenever, when considering the circumstances taken as a whole, the court determines that the person punished under this section would present a traffic safety or public safety risk if authorized to operate a motor vehicle during the period of suspension imposed under paragraph (3) of subdivision (a) of Section 13352, the court may disallow the issuance of a restricted driver's license required under Section 13352.5.

SEC. 22. Section 23548 of the Vehicle Code is amended to read:

23548. (a) (1) If the court grants probation to any person punished under Section 23546, in addition to the provisions of Section 23600 and any other terms and conditions imposed by the court, the court shall impose as conditions of probation that the person be confined in the county jail for at least 120 days but not more than one year and pay a fine of at least three hundred ninety

1 dollars (\$390) but not more than one thousand dollars (\$1,000).

2 ~~The~~

3 (2) *The* person's privilege to operate a motor vehicle shall be
4 revoked by the ~~Department of Motor Vehicles pursuant to~~
5 *department* under paragraph (5) of subdivision (a) of Section
6 13352. The court shall require the person to surrender the driver's
7 license to the court in accordance with Section 13550.

8 (b) In addition to subdivision (a), if the court grants probation
9 to any person punished under Section 23546, the court may order
10 as a condition of probation that the person participate, for at least
11 30 months subsequent to the underlying conviction and in a
12 manner satisfactory to the court, in a driving-under-the-influence
13 program licensed pursuant to Section 11836 of the Health and
14 Safety Code. In lieu of the minimum term of imprisonment
15 specified in subdivision (a), the court shall impose as a condition
16 of probation under this subdivision that the person be confined in
17 the county jail for at least 30 days but not more than one year. The
18 court shall not order the treatment prescribed by this subdivision
19 unless the person makes a specific request and shows good cause
20 for the order, whether or not the person has previously completed
21 a treatment program pursuant to paragraph (4) of subdivision (b)
22 of Section 23542 or paragraph (4) of subdivision (b) of Section
23 23562. ~~A person ordered to treatment pursuant to this subdivision~~
24 ~~shall apply to the court or to a board of review, as designated by~~
25 ~~the court, at the conclusion of the program to obtain the court's~~
26 ~~order of satisfaction. Only upon the granting of that order of~~
27 ~~satisfaction by the court may the program issue its certificate of~~
28 ~~successful completion and report the completion to the~~
29 ~~Department of Motor Vehicles. A failure to obtain an order of~~
30 ~~satisfaction at the conclusion of the driving-under-the-influence~~
31 ~~program is a violation of probation.~~ In order to enable all required
32 persons to participate, each person shall pay the program costs
33 commensurate with the person's ability to pay as determined
34 pursuant to Section 11837.4 of the Health and Safety Code. No
35 condition of probation required pursuant to this subdivision is a
36 basis for reducing any other probation requirement in this section
37 or Section 23600 or for avoiding the mandatory license revocation
38 provisions of paragraph (5) of subdivision (a) of Section 13352.

39 (c) In addition to the provisions of Section 23600 and
40 subdivision (a), if the court grants probation to any person

1 punished under Section 23546 who has not previously completed
2 a treatment program pursuant to paragraph (4) of subdivision (b)
3 of Section 23542 or paragraph (4) of subdivision (b) of Section
4 23562, and unless the person is ordered to participate in and
5 complete a driving-under-the-influence program under
6 subdivision (b), the court shall impose as a condition of probation
7 that the person, subsequent to the date of the current violation,
8 enroll and participate, for at least 18 months and in a manner
9 satisfactory to the court, in a driving-under-the-influence program
10 licensed pursuant to Section 11836 of the Health and Safety Code,
11 as designated by the court. The person shall complete the entire
12 program subsequent to, and shall not be given any credit for
13 program activities completed prior to, the date of the current
14 violation. Any person who has previously completed a 12-month
15 or 18-month program licensed pursuant to Section 11836 of the
16 Health and Safety Code shall not be eligible for referral pursuant
17 to this subdivision unless a 30-month licensed
18 driving-under-the-influence program is not available for referral
19 in the county of the person's residence or employment. The
20 program shall provide for persons who cannot afford the program
21 fee pursuant to paragraph (2) of subdivision (b) of Section 11837.4
22 of the Health and Safety Code in order to enable those persons to
23 participate. No condition of probation required pursuant to this
24 subdivision is a basis for reducing any other probation requirement
25 in this section or Section 23600 or for avoiding the mandatory
26 license revocation provisions of paragraph (5) of subdivision (a)
27 of Section 13352.

28 *(d) The court shall advise the person at the time of sentencing*
29 *that the driving privilege may not be restored until the person*
30 *provides proof satisfactory to the department of successful*
31 *completion of a driving-under-the-influence program of the length*
32 *required under this code that is licensed pursuant to Section 11836*
33 *of the Health and Safety Code.*

34 SEC. 23. Section 23552 of the Vehicle Code is amended to
35 read:

36 23552. (a) (1) If the court grants probation to ~~any~~ a person
37 punished under Section 23550, in addition to the provisions of
38 Section 23600 and any other terms and conditions imposed by the
39 court, the court shall impose as conditions of probation that the
40 person be confined in a county jail for at least 180 days but not

more than one year and pay a fine of at least three hundred ninety dollars (\$390) but not more than one thousand dollars (\$1,000).

~~The~~

(2) *The person's privilege to operate a motor vehicle shall be revoked by the Department of Motor Vehicles pursuant to department under paragraph (7) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13550.*

(b) In addition to subdivision (a), if the court grants probation to any person punished under Section 23550, the court may order as a condition of probation that the person participate, for at least 30 months subsequent to the underlying conviction and in a manner satisfactory to the court, in a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code. In lieu of the minimum term of imprisonment in subdivision (a), the court shall impose as a condition of probation under this subdivision that the person be confined in the county jail for at least 30 days but not more than one year. The court shall not order the treatment prescribed by this subdivision unless the person makes a specific request and shows good cause for the order, whether or not the person has previously completed a treatment program pursuant to paragraph (4) of subdivision (b) of Section 23542 or paragraph (4) of subdivision (b) of Section 23562. ~~A person ordered to treatment pursuant to this subdivision shall apply to the court or to a board of review, as designated by the court, at the conclusion of the program to obtain the court's order of satisfaction. Only upon the granting of that order of satisfaction by the court may the program issue its certificate of successful completion and report the completion to the Department of Motor Vehicles. A failure to obtain an order of satisfaction at the conclusion of the program is a violation of probation.~~ In order to enable all required persons to participate, each person shall pay the program costs commensurate with the person's ability to pay as determined pursuant to Section 11837.4 of the Health and Safety Code. No condition of probation required pursuant to this subdivision is a basis for reducing any other probation requirement in this section or Section 23600 or for avoiding the mandatory license revocation provisions of paragraph (7) of subdivision (a) of Section 13352.

1 (c) In addition to the provisions of Section 23600 and
2 subdivision (a), if the court grants probation to any person
3 punished under Section 23550 who has not previously completed
4 a treatment program pursuant to paragraph (4) of subdivision (b)
5 of Section 23542 or paragraph (4) of subdivision (b) of Section
6 23562, and unless the person is ordered to participate in, and
7 complete, a program under subdivision (b), the court shall impose
8 as a condition of probation that the person, subsequent to the date
9 of the current violation, enroll in and participate, for at least 18
10 months and in a manner satisfactory to the court, in a
11 driving-under-the-influence program licensed pursuant to Section
12 11836 of the Health and Safety Code, as designated by the court.
13 The person shall complete the entire program subsequent to, and
14 shall not be given any credit for program activities completed prior
15 to, the date of the current violation. Any person who has previously
16 completed a 12-month or 18-month driving-under-the-influence
17 program licensed pursuant to Section 11836 of the Health and
18 Safety Code shall not be eligible for referral pursuant to this
19 subdivision unless a 30-month driving-under-the-influence
20 program licensed pursuant to Section 11836 of the Health and
21 Safety Code is not available for referral in the county of the
22 person's residence or employment. No condition of probation
23 required pursuant to this subdivision is a basis for reducing any
24 other probation requirement in this section or Section 23600 or for
25 avoiding the mandatory license revocation provisions of
26 paragraph (7) of subdivision (a) of Section 13352.

27 (d) *The court shall advise the person at the time of sentencing*
28 *that the driving privilege may not be restored until the person*
29 *provides proof satisfactory to the department of successful*
30 *completion of a driving-under-the-influence program of the length*
31 *required under this code that is licensed pursuant to Section 11836*
32 *of the Health and Safety Code.*

33 SEC. 24. Section 23556 of the Vehicle Code is amended to
34 read:

35 23556. (a) (1) If the court grants probation to any person
36 punished under Section 23554, in addition to the provisions of
37 Section 23600 and any other terms and conditions imposed by the
38 court, the court shall impose as a condition of probation that the
39 person be confined in the county jail for at least five days but not
40 more than one year and pay a fine of at least three hundred ninety

dollars (\$390) but not more than one thousand dollars (\$1,000).

~~The~~

(2) *The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to department under paragraph (2) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13550.*

(b) (1) In any county where the county alcohol program administrator has certified, and the board of supervisors has approved, such a program or programs, the court shall also impose as a condition of probation that the driver shall participate in, and successfully complete, an alcohol and other drug education and counseling program, established pursuant to Section 11837.3 of the Health and Safety Code, as designated by the court.

(2) In any county where the board of supervisors has approved and the State Department of Alcohol and Drug Programs has licensed an alcohol and other drug education and counseling program, the court shall also impose as a condition of probation that the driver enroll in, participate in, and successfully complete, a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, in the driver's county of residence or employment, as designated by the court. *For the purposes of this paragraph, enrollment in, participation in, and completion of, an approved program shall be subsequent to the date of the current violation. Credit may not be given to any program activities completed prior to the date of the current violation.*

(3) *The court shall refer a first offender whose blood-alcohol concentration was less than 0.20 percent, by weight, to participate for three months or longer, as ordered by the court, in a licensed program that consists of at least 30 hours of program activities, including those education, group counseling, and individual interview sessions described in Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code.*

(4) *The court shall refer a first offender whose blood-alcohol concentration was 0.20 percent or more, by weight, or who refused to take a chemical test, to participate for six months or longer, as ordered by the court, in a licensed program that consists of at least 45 hours of program activities, including those education, group*

1 *counseling, and individual interview sessions described in*
2 *Chapter 9 (commencing with Section 11836) of Part 2 of Division*
3 *10.5 of the Health and Safety Code.*

4 (c) (1) The court shall revoke the person's probation pursuant
5 to Section 23602, except for good cause shown, for the failure to
6 enroll in, participate in, or complete a program specified in
7 subdivision (b).

8 (2) The court, in establishing reporting requirements, shall
9 consult with the county alcohol program administrator. The
10 county alcohol program administrator shall coordinate the
11 reporting requirements with the department and with the
12 Department of Alcohol and Drug Programs. That reporting shall
13 ensure that all persons who, after being ordered to attend and
14 complete a program, may be identified for either (A) failure to
15 enroll in, or failure to successfully complete, the program, or (B)
16 successful completion of the program as ordered.

17 (d) The court shall advise the person at the time of sentencing
18 that the driving privilege shall not be restored until the person has
19 provided proof satisfactory to the ~~Department of Motor Vehicles~~
20 *department* of successful completion of a
21 driving-under-the-influence program *of the length required under*
22 *this code that is* licensed pursuant to Section 11836 of the Health
23 and Safety Code.

24 SEC. 25. Section 23562 of the Vehicle Code is amended to
25 read:

26 23562. If the court grants probation to ~~any~~ *a* person punished
27 under Section 23560, in addition to the provisions of Section
28 23600 and any other terms and conditions imposed by the court,
29 the court shall impose as conditions of probation that the person
30 be subject to either subdivision (a) or (b), as follows:

31 (a) Be confined in the county jail for at least 120 days and pay
32 a fine of at least three hundred ninety dollars (\$390), but not more
33 than five thousand dollars (\$5,000). The person's privilege to
34 operate a motor vehicle shall be revoked by the ~~Department of~~
35 ~~Motor Vehicles pursuant to department under~~ paragraph (4) of
36 subdivision (a) of Section 13352. The court shall require the
37 person to surrender the driver's license to the court in accordance
38 with Section 13550.

39 (b) All of the following:

1 (1) Be confined in the county jail for at least 30 days, but not
2 more than one year.

3 (2) Pay a fine of at least three hundred ninety dollars (\$390), but
4 not more than one thousand dollars (\$1,000).

5 (3) The privilege to operate a motor vehicle shall be revoked by
6 the ~~Department of Motor Vehicles~~ *department* under paragraph (4)
7 of subdivision (a) of Section 13352. The court shall require the
8 person to surrender the driver's license to the court in accordance
9 with Section 13550.

10 (4) Either of the following:

11 (A) Enroll and participate, for at least 18 months subsequent to
12 the date of the underlying violation and in a manner satisfactory
13 to the court, in a driving-under-the-influence program licensed
14 pursuant to Section 11836 of the Health and Safety Code, if
15 available in the county of the person's residence or employment,
16 as designated by the court. The person shall complete the entire
17 program subsequent to, and shall not be given any credit for
18 program activities completed prior to, the date of the current
19 violation. The program shall provide for persons who cannot
20 afford the program fee pursuant to paragraph (2) of subdivision (b)
21 of Section 11837.4 of the Health and Safety Code in order to
22 enable those persons to participate.

23 (B) Enroll and participate, for at least 30 months subsequent to
24 the date of the underlying violation and in a manner satisfactory
25 to the court, in a driving-under-the-influence program licensed
26 pursuant to Section 11836 of the Health and Safety Code, if
27 available in the county of the person's residence or employment.
28 The person shall complete the entire program subsequent to, and
29 shall not be given any credit for program activities completed prior
30 to, the date of the current violation.

31 (c) The court shall advise the person at the time of sentencing
32 that the driving privilege shall not be restored until the person has
33 provided proof satisfactory to the ~~Department of Motor Vehicles~~
34 *department* of successful completion of a
35 driving-under-the-influence program *of the length required under*
36 *this code that is* licensed pursuant to Section 11836 of the Health
37 and Safety Code.

38 SEC. 26. Section 23568 of the Vehicle Code is amended to
39 read:

1 23568. (a) If the court grants probation to ~~any~~ a person
2 punished under Section 23566, in addition to the provisions of
3 Section 23600 and any other terms and conditions imposed by the
4 court, the court shall impose as conditions of probation that the
5 person be confined in the county jail for at least one year, that the
6 person pay a fine of at least three hundred ninety dollars (\$390) but
7 not more than five thousand dollars (\$5,000), and that the person
8 make restitution or reparation pursuant to Section 1203.1 of the
9 Penal Code. The person's privilege to operate a motor vehicle shall
10 be revoked by the ~~Department of Motor Vehicles pursuant to~~
11 *department* under paragraph (6) of subdivision (a) of Section
12 13352. The court shall require the person to surrender the driver's
13 license to the court in accordance with Section 13550.

14 (b) In addition to Section 23600 and subdivision (a), if the court
15 grants probation to ~~any~~ a person punished under Section 23566,
16 the court shall impose as a condition of probation that the person
17 enroll in and complete, subsequent to the date of the underlying
18 violation and in a manner satisfactory to the court, an 18-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code or, if available in the county
21 of the person's residence or employment, a 30-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code, as designated by the court.
24 The person shall complete the entire program subsequent to, and
25 shall not be given any credit for program activities completed prior
26 to, the date of the current violation. In lieu of the minimum term
27 of imprisonment in subdivision (a), the court shall impose as a
28 minimum condition of probation under this subdivision that the
29 person be confined in the county jail for at least 30 days but not
30 more than one year. Except as provided in this subdivision, if the
31 court grants probation under this section, the court shall order the
32 treatment prescribed by this subdivision, whether or not the person
33 has previously completed a treatment program pursuant to
34 paragraph (4) of subdivision (b) of Section 23542 or paragraph (4)
35 of subdivision (b) of Section 23562. ~~A person ordered to treatment~~
36 ~~pursuant to this subdivision shall apply to the court or to a board~~
37 ~~of review, as designated by the court, at the conclusion of the~~
38 ~~program to obtain the court's order of satisfaction. Only upon the~~
39 ~~granting of that order of satisfaction by the court may the program~~
40 ~~issue its certificate of successful completion and report the~~

1 ~~completion to the Department of Motor Vehicles. A failure to~~
2 ~~obtain an order of satisfaction at the conclusion of the program is~~
3 ~~a violation of probation.~~ In order to enable all required persons to
4 participate, each person shall pay the program costs commensurate
5 with the person's ability to pay as determined pursuant to Section
6 11837.4 of the Health and Safety Code. No condition of probation
7 required pursuant to this subdivision is a basis for reducing any
8 other probation requirement in this section or Section 23600 or for
9 avoiding the mandatory license revocation provisions of
10 paragraph (6) of subdivision (a) of Section 13352.

11 *(c) The court shall advise the person at the time of sentencing*
12 *that the driving privilege may not be restored until the person*
13 *provides proof satisfactory to the department of successful*
14 *completion of a driving-under-the-influence program of the length*
15 *required under this code that is licensed pursuant to Section 11836*
16 *of the Health and Safety Code.*

17 SEC. 27. Section 23660 of the Vehicle Code is amended to
18 read:

19 23660. (a) If a person's privilege to operate a motor vehicle
20 is required ~~or ordered~~ to be suspended or revoked by the
21 ~~Department of Motor Vehicles pursuant to~~ *department under* other
22 provisions of this code upon the conviction of an offense described
23 in Article 2 (commencing with Section 23152) of Chapter 12 of
24 Division 11, that person shall surrender each and every operator's
25 license of that person to the court upon conviction. The court shall
26 transmit the license or licenses required to be suspended or
27 revoked to the ~~Department of Motor Vehicles pursuant to~~
28 *department under* Section 13550, and the court shall notify the
29 department.

30 ~~This~~

31 *(b) This section does not apply to an administrative proceeding*
32 *by the Department of Motor Vehicles department to suspend or*
33 *revoke the driving privilege of any person pursuant to other*
34 *provisions of law.*

35 SEC. 28. Section 23665 of the Vehicle Code is amended to
36 read:

37 23665. If any person is convicted of a violation of Section
38 20001, or of Section 23152 or 23153 and is sentenced to one year
39 in a county jail or more than one year in the state prison under
40 Section 23540, 23542, 23546, 23548, 23550, 23550.5, 23552,

- 1 23554, 23556, 23558, 23560, 23562, 23566, or 23568, the court
- 2 may postpone the revocation or suspension of the person's driving
- 3 privilege until the term of imprisonment is served.

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